

REMARKS

This responds to the Office Action mailed on November 22, 2005, and the references cited therewith.

Claims 1, 12, and 20-25 are amended; as a result, claims 1-25 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 3-4, 6-8 and 11-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. (U.S. 5,983,227) in view of Godin et al. (U.S. 5,890,138). It is of course fundamental that in order to sustain an obviousness rejection that each and every element or step in the rejected claims must be taught or suggested in the proposed combination of references. Moreover, there must be some motivation by one of ordinary skill in the art to combine the references as proposed by the Examiner and the proposed combination must not run contrary to the teachings of the individual references.

Applicants have amended the independent claims to highlight distinctions between the references that have been made in prior responses. These amendments now make clear that features of a network-based transaction facility are selectively identified and enforced for a particular user in response to access preferences or login preference information that is associated and customized by that user.

More specifically, the Nazem reference is directed to dynamically generating a world-wide web (WWW) page for a user. A custom page server filters requests for WWW pages based on templates associated with a requested page and then delivers the requested pages in a custom viewing layout or format in response to the associated template. Users do not log into a network-based transaction facility with the Nazem reference. The Examiner has previously acknowledged that Nazem fails to teach or suggest a login or login session. Pages are mapped to templates and translated for viewing preferences. There is no concept of logins to a network-based transaction facility.

In Godin, the Examiner has cited item number 160 of FIG. 11 having a discussion located at column 6 lines 60-67. It appears the Examiner is asserting that because Godin provides the

ability for a user to be pre-registered that Godin supplies the missing teaching that the Examiner asserts is missing from the Nazem reference. More particularly, the Examiner asserts that activation is enforced with subsequent login sessions by a user utilizing login preference information.

The Applicants respectfully assert that the present interpretation cannot reasonably be read into the amended language of the claims because the login preference information recites that selective and customized features are identified for a particular user in response to the login preference information. This is not taught or even remotely suggested in Godin, because there is no ability to customize features of the reverse auction process based on user-defined or user customized preference data. That is, each and every user is presented with the same features and these features for security reasons are intentionally restricted and temporally circumscribed. Godin, col. 7, lines 3-5.

Therefore, even if it may arguably be asserted that Godin permits features to be activated based on users, what Godin does not teach or suggest is selectively activating features that are customized for a given user in response to a user-supplied set of preference data. The term “any” that modified the term “features” was removed from the claims, such that the claim language is now amended to emphasize the customization of a network-based transaction facility based on preference data for a particular user. This arrangement and teaching are completely lacking in Godin and in fact runs contrary to the control and security taught and desired by the Godin reference.

Accordingly, the proposed combination of references fails to teach each and every element and step of the rejected claims. Thus, the rejections should be withdrawn and the claims allowed. Applicants respectfully request an indication of the same.

Furthermore, Applicants would again like to point out that there would have been no motivation by one of ordinary skill in the art to combine the Nazem reference with the Godin reference. This is so, because Godin wants to restrict access of a user and control that access of a user to the reverse auction system. To satisfy this primary and critical aspect of the Godin teaching, the Godin reference does not supply customization options to a user. The user’s entire experience within the reverse auction system is monitored and controlled for purposes of ensuring security and it is the same regardless of who the user actually is. That is, the identity of

the user does not affect the experience of the user, the exact same features are presented for each user.

Correspondingly, Applicants respectfully disagree with the Examiner's proposed combination of references, since it is highly unlikely and improbable to the Applicants that one of ordinary skill in the art would have read the security aspects, which are at the core of the Godin reference, and the customization of the Nazem reference and still would have been motivated to combine the two reference with one another. That is, it would make little sense and would run contrary to the core teachings of Godin to allow the WWW page customization presented with Nazem, because this arrangement runs directly contrary to what Godin counsels against. Thus, Applicants continue to respectfully disagree with the proposed combination of Godin and Nazem and assert one of ordinary skill in the art would not have been motivated to combine these two references.

Claims 2, 5 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. in view of Godin et al. and further in view of My Yahoo (Wayback Machine 1998-12-12). Claim 2, 5, and 9-10 are dependent from amended independent claim 1; thus, for the amendments and remarks presented above with respect to claim 1, the rejections of claims 2, 5, and 9-10 should be withdrawn. Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of February, 2006.

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